

107 Rec'd PTO 20 MAR 2006

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Date:

March 17, 2006

Robin Torres

(Type or print name of person mailing paper)

Rob Torres

(Signature of person mailing paper)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dahl et al.

Serial No.: 10/540,794

Group No.:

Unassigned

I.A. Filed: January 13, 2004

Examiner:

Unassigned

For: COMPOSITIONS AND
METHODS FOR COMBINATION
ANTIVIRAL THERAPY

Docket No:

270.PFUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMPLETION OF FILING REQUIREMENTS

- I. ☒ This replies to the Notice to File Missing Parts of Nonprovisional Application mailed October 11, 2005.
- ☒ A copy of the Notice to File Missing Parts of Nonprovisional Application filed under 35 U.S.C. 371 is enclosed.

DECLARATION OR OATH

- II. ☒ No original executed declaration or oath was filed and enclosed is the original executed declaration or oath for this application

OR

- ☐ The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

#6

AMENDMENT

III. ☐ Cancel claims _____ inclusive.

☒ Preliminary Amendment

TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

SMALL ENTITY STATUS

V. ☐ A verified statement that this filing is by a small entity
☐ is attached
☐ a separate refund request accompanies this paper
☐ was filed on _____ (original)

COMPLETION FEES

VI. 1. Filing fee
☐ original patent application
(37 CFR 1.16 (a)----\$770.00; small entity----\$385.00) \$ _____
☐ design application
(37 CFR 1.16 (f)----\$340.00; small entity----\$170.00) \$ _____
2. fees for claims
☐ each independent claim in excess of 3
(37 CFR 1.16 (b)----\$200.00; small entity----\$100.00) \$ _____
☒ each claim in excess of 20
(37 CFR 1.16 (c)----\$50.00; small entity----\$25.00) \$ 1,050.00
☐ multiple dependent claim(s)
(37 CFR 1.16 (d)----\$360.00; small entity----\$180.00) \$ _____
3. surcharge fees
☐ late payment of filing fee *and/or*
☒ late filing of original declaration or oath
(37 CFR 1.16 (e)----\$130.00; small entity----\$65.00) \$ 130.00
4. ☐ petition and fee for filing by other than all the
inventors or a person not the inventor
(37 CFR 1.17 (h) and 1.47----\$130.00) \$ _____
5. ☐ fee for processing an application filed with a
specification in a non-English language
(37 CFR 1.17 (k) and 1.52 (d)----\$130.00) \$ _____
6. ☐ fee for processing and retention of application
(37 CFR 1.21 (l) and 1.53 (d)----\$300.00) \$ _____
Total completion fees \$ 1,180.00

03/27/2006 LLANDGRA 00000053 071250 10540794

01 FC:1615 1050.00 DA
02 FC:1617 130.00 DA

EXTENSION OF TIME

VII.

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 (a) apply.

- (a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17 (a)-(d)), for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|-------------------------------------|-----------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> | one month | \$120.00 | \$60.00 |
| <input type="checkbox"/> | two months | \$450.00 | \$225.00 |
| <input type="checkbox"/> | three months | \$1,020.00 | \$510.00 |
| <input checked="" type="checkbox"/> | four months | \$1,590.00 | \$795.00 |
| <input type="checkbox"/> | five months | \$2,160.00 | \$1,080.00 |
| | | Fee \$ | 1,590.00 |

If an additional extension of time is required please consider this a petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 1,590.00

O R

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

TOTAL FEE DUE

VIII. The total fee due is

Completion fee(s) \$ 1,180.00
Extension fee (if any) \$ 1,590.00

TOTAL FEE DUE \$ 2,770.00

PAYMENT OF FEES

IX.

- ☐ Check in the amount of \$ _____
☒ Charge Account No. 07-1250 in the amount of \$ 2,770.00
A duplicate of this transmittal is attached.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

- ☒ The Commissioner is hereby authorized by this document to charge any additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1250, except the issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311 (b).

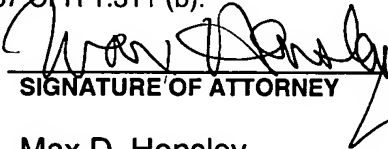
Reg. No. 27,043

Tel. No.: (650) 522-5535

CUSTOMER NO: 25000

03/27/2006 LLANDGRA 00000053 071250 10540794

03 FC:1254 1590.00 DA


SIGNATURE OF ATTORNEY

Max D. Hensley

Type or print name of attorney

Gilead Sciences, Inc.
333 Lakeside Drive
P.O. Address

Foster City, CA 94404

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PCT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



| | | |
|---|--|------------------------------|
| U.S. APPLICATION NUMBER NO. 10/540,794 | FIRST NAMED APPLICANT Terrence C Dahl | ATTY. DOCKET NO. 270.PFUS |
|---|--|------------------------------|

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|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
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PCT/US04/00832

| | |
|-------------------------------|-----------------------------|
| IA. FILING DATE 01/13/2004 | PRIORITY DATE 01/14/2003 |
|-------------------------------|-----------------------------|

GILEAD SCIENCES INC
333 LAKESIDE DR
FOSTER CITY, CA 94404

CONFIRMATION NO. 7159

371 FORMALITIES LETTER



OC000000017160688

Date Mailed: 10/11/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/27/2005
- Copy of the International Search Report filed on 06/27/2005
- Copy of IPE Report filed on 06/27/2005
- Oath or Declaration filed on 06/27/2005
- Request for Immediate Examination filed on 06/27/2005
- U.S. Basic National Fees filed on 06/27/2005
- Priority Documents filed on 06/27/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$400** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$530** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 400**
 - **\$400** for **48** total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/540,794 | PCT/US04/00832 | 270.PFUS |